Sexual Assault Prevention and Response (SAPR)

Sexual Assault

SEXUAL ASSAULT DEFINED

- Sexual assault is a crime
- Sexual assault is intentional sexual contact, characterized by use of force, physical threat, or abuse of authority, when the victim does not or cannot consent.
- Sexual assault includes rape, nonconsensual sodomy (oral or anal), indecent assault (unwanted, inappropriate sexual contact or fondling) or attempts to commit these acts.
- Sexual assault can occur without regard to gender or spousal relationship or the age of the victim.
- "Consent" shall not be deemed or construed to mean the failure by the victim to offer physical resistance. Consent is not given when a person uses force, threat of force, coercion or when the victim is asleep, incapacitated, or unconscious.

Sexual Assault – Policy

Federal Law

- Section 577 (DoD Policy and Procedures on Prevention and Response to Sexual Assaults Involving Members of the Armed Forces) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375-Oct. 28, 2004)

DoD

- Services Data Reports CY04 & CY 05 - DoD (Mr. Chu) provided to Senate and House, Arms Services Committees

- DoD's Policy on Prevention and Response to Sexual Assaults covered in Directive Type Memorandum (DTM 1-14) located at the attached DoD SAPR website http://www.sapr.mil/HomePage.aspx?Topic=Policy

DTMs

- Collateral Misconduct in Sexual Assault Cases (J TF-SAPR-001)
- Increased Victim Support and a Better Understanding of Sexual Assault Cases (J TF-SAPR-002)
- Data Call for CY04 Sexual Assaults (J TF-SAPR-003)
- Review of Administrative Separation Actions Involving Victims of Sexual Assault (J TF-SAPR-004)
- Commander Checklist for Responding to Allegations of Sexual Assault (J TF-SAPR-005)
- Definition of Sexual Assault (J TF-SAPR-006)
- Training Standards for DoD Personnel on Sexual Assault Prevention and Response (J TF-SAPR-007)
- Response Capability for Sexual Assault (J TF-SAPR-008)
- Confidentiality Policy for Victims of Sexual Assault (J TF-SAPR-009)
- Collaboration with Civilian Authorities for Sexual Assault Victim Support (J TF-SAPR-010)
- Training Standards for Sexual Assault Response Training (J TF-SAPR-011)
- Training Standards for Pre-Deployment Information on Sexual Assault and Response Training (J TF-SAPR-012)
- Essential Training Tasks for a Sexual Assault Response (J TF-SAPR-013)
- Sexual Assault Evidence Collection and Preservation Under Restricted Reporting (J TF-SAPR-014)

Sexual Assault – Army Policy

New AR 600-20, Chapter 8 – Sexual Assault Prevention and Response (SAPR) Program (released FEB 06)

Sexual Assault: **Assault with intent to commit rape, sodomy, indecent assault, or an attempt to commit any of these offenses**

- **Sexual assault is a criminal offense that has no place in the Army. It degrades mission readiness by devastating the Army's ability to work effectively as a team.**

- **Every Soldier who is aware of a sexual assault, <u>should</u> immediately (within 24 hours) report incidents of sexual assault.**

- **It is incompatible with the Army Values and is punishable under the Uniform Code of Military Justice (UCMJ) and other federal and local civilian laws.**

Sexual Assault

Sexual Assault Program

- Sexual assault is a criminal offense that is punishable
- Use training, education, and awareness to prevent sexual assault
- Promotes sensitive handling of victims of sexual assault
- Requires aggressive, timely and thorough investigations
- Hold those who commit sexual assault offenses accountable
- [illegible]
- [illegible]

WHERE DOES SAPR POLICY APPLY?

EVERYWHERE!

- Both on and off post
- During duty and non-duty hours

Victim Advocacy Component

- Commanders/Installation Commanders (IC) will ensure that victims have access to:
  - Well-coordinated, highly responsive sexual assault victim advocacy program
  - Available 24 hours per day/7 days per week
  - Both in garrison and in a deployed environment

- Victim's use of advocacy services is optional

Installation Civilian/Contract Proponents:

Installation Sexual Assault Response Coordinators (SARCs):
- Designated Installation program manager of victim support services
- Coordinates and oversees implementation and execution of the SAPR Prog.

Installation Victim Advocates (IVAs):
- DA civilian/contract employees trained to provide advocacy services to victims of sexual assault.
- Knowledgeable of, maintains contact with, and well versed in procedures for

Military Proponents: Applicable to ALL ARMY UNITS.
Training for SARC/UVA by Inst. SARC or NGB/USAR

Deployable SARC: Deployed Environment:
- Assumes Installation SARC duties
- BDE sized units or higher will designate and train one Soldier (NCO: SFC or higher; Officer: MAJ/CW3 or above) or civilian (GS-11 or higher) to be a deployable SARC.

Unit Victim Advocates (**UVA**s – 2 ea. per BN)
- NCO: SSG or higher; Officer: 1LT/CW2 or above) or civilians (GS-9 or above) to serve as UVAs in garrison and while deployed
- Appointed on orders
- Trained to perform collateral duties in support of victims of sexual assault
- Provide crisis intervention, referral, and ongoing non-clinical support to the sexual assault victim

Sexual Assault

PREVENTION

BE:

- **ALERT**
- **SAFE**
- **ASSERTIVE**
- **PREPARED**

REMEMBER NO MEANS

Sexual Assault

VICTIMS ACTIONS

Go To A Safe Place

Contact The Authorities – Based on Reporting Option

Do Not Destroy Evidence

Seek Assistance

Sexual Assault

Available Assault Response Resour

- Chain of Command
- Deployable Sexual Assault Response Coordinator (DSA
- Unit Victim Advocate (UVA)
- Unit Chaplains
- SJA
- Military Police/CID
- Medical Personnel

Reporting Options: Restricted / Unrestrict

Restricted Reporting

- Option provides victim:
  - Confidential disclose the crime to specifically identified individuals
  - Medical treatment and counseling
  - Does not trigger an official investigative

- Per policy, victim can only report the assault to:
  - Sexual Assault Response Coordinator (SARC)
  - Victim Advocate (VA)
  - Healthcare provider
  - Chaplain - policy is in addition to the current chaplain privileged communications, and does not alter or affect those protections

Healthcare providers care and treatment and conduct a sexual assault forensic examination (SAFE), which may include the collection of evidence.

Per victims approval, health provider and chaplain reports the sexual assault to the SARC

Reporting Options: Restricted / Unrestrict

Who May Make A Restricted Report

- Restricted reporting is available at this time only to military personnel of the Armed Forces and the Coast Guard.
- Military personnel include members on active duty and members of the Reserve component (Reserve and National Guard) provided they are performing federal duty (active duty training or inactive duty training and members of the National Guard in Federal (Title 10) status).
- Members of the Reserve Component not performing Federal duty are not eligible.
- Retired members of any component are not eligible.
- Dependents are not eligible.
- Department of Defense civilian employees are not eligible.

Reporting Options: Restricted / Unrestrict

Considerations when Electing a Restricted Report

- Receive appropriate medical treatment, advocacy, and counseling
- Provides some personal space and time
- Information and support in deciding whether to participate in criminal investigation
- Control the release and management of personal information

Limitations

- Alleged perpetrator remains unpunished and capable of assaulting other victims
- Cannot receive a military protective order
- May continue to have contact with assailant
- Evidence from the crime scene where the assault occurred may be lost, and the official investigation (if restricted report is changed to unrestricted report) will likely encounter significant obstacles
- Not able to discuss assault with anyone except authorized proponents
- Ineligible to invoke the collateral misconduct provision of the Department's sexual assault policy in the event the victim's command

Reporting Options: Restricted / Unrestrict

Unrestricted Reporting

- Option for victims of sexual assault who desire:
  - medical treatment
  - counseling
  - official investigation of the crime

- Use current reporting channels:
  - Chain of command
  - Law enforcement
  - Sexual Assault Response Coordinator (SARC)
  - Request healthcare providers to notify law enforcement.

- SARC will assign a Victim Advocate (VA)

- Victim's discretion/request: healthcare provider shall conduct a sexual assault forensic examination (SAFE), which may include the collection of evidence.

- Information regarding incident limited to only those personnel who have a legitimate need to know.

Sexual Assault

INFORMATION FOR *UNRESTRICTED REPORT*

DTG and location.
Name and relation to incident or victim.
Victim's name and current location.
Injuries and medical needs.
Who is assisting the victim.
Identity or description and location of all
Perpetrator.

Sexual Assault

Victim's Rights

To be protected and treated fair and with Re

To be Notified and present at all court proce

Seek and obtain information on case pendin

Legal Representation

Sexual Assault

Rights of Alleged Perpetrator

- Legal counsel
- Assumed innocent until proven guilty
- Fair Trial
- Privacy and confidentiality
- Protected from false

Sexual Assault

www.sexualassault.army.mil

U.S.ARMY

Army Sexual Assault
Prevention and Response Program

An Army of One Caring for All

Sexual Assault

Summary

Awareness and Prevention

Resources and support for victims

DSARCs and UVAs

Restricted and Unrestricted Reporting

Timely and appropriate response

Questions